

offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner of the land when such destruction, hurt or damage, injury or obstruction was done at the time the same was done or caused to be done. Not competent to plead ownership of land in defence.

SEC. 24. That the said company may farm out or lease its rights of transportation over said railway, or merge itself with that of any connecting line upon such terms as the directors may agree upon, and such lessee or mortgagee shall have the right to operate the same, and be deemed and taken to be a common carrier. Authority to lease, merge, &c.

SEC. 25. That as soon as the aforesaid company shall be organized and the sum of five per cent. of the capital stock paid into the treasury of said company, it shall be the duty of the president to make application to the penitentiary board for convicts to work on said road; and the board of directors of the penitentiary shall, on such application of the president of said road, employ on said railroad, under the direction of the authorities of said road and under such guards as may be necessary, as many convicts as may be required by said road, not to exceed two hundred, said convicts to be governed by and according to prison rules and regulations and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided, however,* Directors of penitentiary to furnish convicts. Proviso. that the authorities of said road shall pay the hire of said superintendent, and guard, feed, clothe and properly care for the convicts while so employed.

SEC. 26. All acts in conflict with this act are hereby repealed: *Provided,* that this act shall not be construed to repeal any law now in force authorizing the farming out of convicts to any other person or corporation. Proviso.

SEC. 27. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.